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Attorneys for Plaintiffs,
ELEKTRA ENTERTAINMENT GROUP
INC.; ZOMBA RECORDING LLC; BMG
MUSIC; SONY BMG MUSIC
ENTERTAINMENT; CAPITOL
RECORDS, INC.; and UMG
RECORDINGS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELEKTRA ENTERTAINMENT GROUP INC.,
a Delaware corporation; ZOMBA RECORDING
LLC, a Delaware limited liability company;
BMG MUSIC, a New York general partnership;
SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; CAPITOL
RECORDS, INC., a Delaware corporation; and
UMG RECORDINGS, INC., a Delaware
corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. C 07-04101 EDL

Honorable Elizabeth D. Laporte

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND ~~[PROPOSED]~~ ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for February 12, 2008, at 10:00 a.m. to May 13, 2008. In support of their request,
3 Plaintiffs state as follows:

4 1. Plaintiffs believe they have identified the Doe defendant in this case.
5 However, a provisional settlement of this matter has been reached, and Plaintiffs have therefore not
6 amended the complaint to name Defendant individually or served her with the Summons and
7 Complaint.

8 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant
9 John Doe ("Defendant") on August 9, 2007.

10 3. The initial case management conference is currently set for February 12,
11 2008, at 10:00 a.m. The case management conference was continued once previously by the Court's
12 Order of November 7, 2007.

13 4. In order to determine Defendant's true name and identity, Plaintiffs filed their
14 *Ex Parte* Application for Leave to Take Immediate Discovery on August 9, 2007, requesting that the
15 Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on Defendant's Internet Service
16 Provider ("ISP").

17 5. The Court entered an Order for Leave to take Immediate Discovery on
18 October 29, 2007, which was promptly served upon the ISP along with a Rule 45 subpoena. On
19 December 5, 2007, the ISP responded to Plaintiffs' subpoena, providing Plaintiffs with identifying
20 information including Defendant's name, telephone number, and address.

21 6. After receipt of this information from the ISP, Plaintiffs sent a letter to
22 Defendant notifying her of their claims and encouraging her to contact Plaintiffs and attempt to
23 amicably resolve this matter. In response to that notification, settlement discussions took place and
24 Plaintiffs believe that a settlement has been reached. Settlement documents were sent to
25 Defendant's counsel on January 16, 2008. The documents have not yet been returned signed by
26 Defendant.
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1 7. If Defendant returns the signed settlement documents by March 1, 2008 or
2 shortly thereafter, Plaintiffs will file appropriate dispositional documents. If she does not, Plaintiffs
3 plan to file a First Amended Complaint naming her individually as the defendant in this case, and
4 then proceed to serve process upon her.

5 8. Given the circumstances of this case, a case management conference is not
6 necessary at this time, and Plaintiffs respectfully request that the case management conference be
7 continued to May 13, 2008.

8 9. Plaintiffs will provide Defendant with a copy of this request and any Order
9 concerning this request when service of process occurs.
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11 Dated: January 31, 2008

HOLME ROBERTS & OWEN LLP

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13 By: /s/ Matthew Franklin Jaksa
14 MATTHEW FRANKLIN JAKSA
15 Attorney for Plaintiffs
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ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for February 12, 2008, at 10:00 a.m. be continued to May 13, 2008. **IT IS FURTHER ORDERED** that the parties shall notify the Court by March 14, 2008 as to whether this case has settled.

Dated: February 1, 2008

